

PTO/PCT Rec'd 29 SEP 2000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Joseph G. SODROSKI
Richard T. WYATT
Peter D. KWONG
Wayne A. HENDRICKSON
Michael FARZAN

RECEIVED

11 OCT 2000

Legal Staff
International Division

SERIAL NO.: 09/446,820

FILED: -

FOR: STABILIZED PRIMATE LENTIVIRUS ENVELOPE GLYCOPROTEINS

Assistant Commissioner for Patents
Box PCT
Washington, D.C. 20231

Sir:

A STATEMENT OF FACTS IN SUPPORT OF FILING

ON BEHALF OF NON-SIGNING INVENTORS

(37 CFR 1.47(a))

I, Nicole L.M. Valtz, a citizen of United States, residing in Jamaica Plain, Massachusetts, make this declaration providing facts in support of filing on behalf of the non-signing inventors, Peter D. Kwong and Wayne A. Hendrickson.

I am a Technical Specialist employed by the law firm of Nixon Peabody LLP, Boston, Massachusetts.

I make this declaration as a person having first hand knowledge of the facts recited herein.

Two of the applicants, Drs. Kwong and Hendrickson, are scientists at Columbia University. Therefore, on or about January 10, 2000, I prepared and sent a letter to Ofra Weinberger, an associate director of Health Sciences at Columbia Innovation Enterprise technology transfer office, Columbia University, New York, New York, requesting that she obtain signatures for us from the Columbia University inventors Peter D. Kwong and Wayne A. Hendrickson as is the standard procedure. The letter enclosed Declaration and Power of Attorney, Small Entity and Assignment documents for the inventors to execute. A copy of the letter is attached hereto as Exhibit A.

On or about April 3, 2000, I prepared and sent a letter to said Ofra Weinberger enclosing a Decision on Petition to Revive under 37 CFR 1.137(b). The letter repeated the request for the

inventors to execute the previously sent Declaration, Power of Attorney, Small Entity and Assignment forms. A copy of the letter is attached hereto as Exhibit B.

Upon information and belief, on or about August 18, an e-mail was sent by Nancy N. Grodin, a Licensing Associate in the Office of Technology Transfer at Dana-Farber Cancer Institute reminding Dr. Weinberger that we had not received the executed declarations or any other response.

On or about August 28, 2000, I prepared and my secretary, Maria R. Valinch, sent a letter to said Ofra Weinberger via certified mail requesting execution of the previously sent Declaration and Power of Attorney, Small Entity and Assignment documents and advising about the intention of the other inventors, Richard T. Wyatt and Joseph G. Sodroski, to file under 37 C.F.R. 1.47(a) unless signed documents were received. A copy of the letter is attached hereto as Exhibit C and a copy of the Receipt for Certified Mail is attached hereto as Exhibit D.

Neither Ofra Weinberger nor the inventors, Peter D. Kwong or Wayne A. Hendrickson, have returned signed copies of the Declaration and Power of Attorney, Small Entity and Assignment documents to our office in response to any of the above mentioned letters.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Sept. 28, 2000

Date

Nicole L.M. Valtz

Nicole L.M. Valtz

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Sir:

**A STATEMENT OF FACTS IN SUPPORT OF FILING
ON BEHALF OF NON-SIGNING INVENTORS**

(37 CFR 1.47(a))

I, Joseph G. Sodroski, a citizen of United States, residing in Medford, Massachusetts, make this declaration providing facts in support of filing on behalf of the non-signing inventors, Peter D. Kwong and Wayne A. Hendrickson.

I am a joint inventor of the above mentioned patent application and I am employed by Dana-Farber Cancer Institute, Boston, Massachusetts.

I make this declaration as a person having first hand knowledge of the facts recited herein.

I worked in collaboration with Richard Wyatt and Michael Farzan at Dana-Farber Cancer Institute, Boston, Massachusetts and Peter D. Kwong and Wayne A. Hendrickson, at Columbia University, New York, New York, for the research that resulted in invention filed herein. During that time, we jointly invented certain new and useful improvements in STABILIZED PRIMATE LENTIVIRUS ENVELOPE GLYCOPROTEINS.

I have been shown the Declarations by Nicole L.M. Valtz and Nancy N. Gordin and I am thus aware that Drs. Kwong and Hendrickson have not signed the declarations in the above mentioned matter.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

9/12/00

Date

Joseph G. Sodroski

Joseph G. Sodroski

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Sir:

**A STATEMENT OF FACTS IN SUPPORT OF FILING
ON BEHALF OF NON-SIGNING INVENTORS**

(37 CFR 1.47(a))

I, Nancy N. Grodin, a citizen of United States, residing in Newton, Massachusetts, make this declaration providing facts in support of filing on behalf of the non-signing inventors, Peter D. Kwong and Wayne A. Hendrickson.

I am a Licensing Associate in the Office of Technology Transfer employed by Dana-Farber Cancer Institute, Boston, Massachusetts. I make this declaration as a person having first hand knowledge of the facts recited herein.

Two of the applicants of the above described application, Peter D. Kwong and Wayne A. Hendrickson, are scientists at Columbia University. Therefore, on or about August 11, 2000, I prepared and sent an e-mail to Ofra Weinberger, an Associate Director of Health Sciences at Columbia Innovation Enterprise (i.e. the technology transfer office), Columbia University, New York, New York. In the e-mail, I requested the she have the Columbia University scientists execute the documents sent to her by our outside counsel, the law firm of Nixon Peabody LLP, Boston, Massachusetts. A copy of the e-mail is attached hereto as Exhibit E.

In September, 2000, I was advised by Dr. Weinberger that while Columbia University would execute a Small Entity document, it would not at this time have the Declarations executed. She stated that as they had other applications pending, which applications involve some of the same inventors from both Dana-Farber Cancer Institute and Columbia University, they would

not have the declarations executed until advised by their attorney that all issues of any possible overlapping subject matter had been resolved. This date, less than one month before the final deadline, was the first time they advised us that they were refusing to sign the Declarations.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Sept. 12, 2000

Date

Nancy N. Grodin

Nancy N. Grodin